

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

February 7, 2000

DIVISION TWO

B122914 People (Not for Publication)
v.
Williams et al.

Each appellant's respective judgment is modified to impose a parole revocation fine of \$200 pursuant to section 1202.45, which fine shall remain suspended unless and until that appellant violates parole. The clerk of the superior court is directed to prepare an amended abstract of judgment for each appellant reflecting that separate restitution fines in the amount of \$200 were imposed pursuant to sections 1202.4 and 1202.45, and to forward the amended abstracts to the appropriate correctional authorities. In all other respects, the judgments are affirmed.

Boren, P.J.

We concur: Nott, J.
 Cooper, J.

B129563 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Judith K.

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
 Cooper, J.

February 7, 2000-Continued

DIVISION TWO (Continued)

B128149 Seto (Not for Publication)
v.
Diamond Square L.L.C.

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
Mallano, J. (Assigned)

DIVISION THREE

B124745 Terrell et al. (Not for Publication)
v.
County of Los Angeles

The judgment is affirmed. The defendant County shall recover its costs on appeal.

Croskey, Acting P.J.

We concur: Kitching, J.
Schneider, J. (Assigned)

B128171 Hearst (Not for Publication)
v.
Hearst

Let a peremptory writ of mandate issue, directing the respondent court to rule on the merits of appellants' to be re-filed petition, wherein they may combine all their issues in a single petition pursuant to the format of the two earlier petitions. Each party to bear respective costs.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION THREE (Continued)

B124192 Ostayan (Certified for Publication)

V.

Serrano Reconveyance Company et al.

The judgment is affirmed. Serrano and Home shall recover costs on appeal.

Croskey, Acting P.J.

We concur: Kitching, J.

Schneider, J. (Assigned)

DIVISION FOUR

B132923 Los Angeles County, D.C.F.S. (Not for Publication)

V.

Christine B.

The order is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.

Hastings, J.

B130680 Los Angeles County, D.C.F.S. (Not for Publication)

V.

Henry F.

The order is reversed and the cause remanded for further proceedings consistent with the views expressed in this opinion.

Epstein, J.

We concur: Vogel (C.S.), P.J.

Berle, J. (Assigned)

DIVISION FOUR (Continued)

B126761 People (Not for Publication)
v.
Romero

The judgment is modified to strike the weapon use enhancement (Pen. Code, 12022, subd. (b)) to count 3, and to reflect that appellant is ordered to pay a parole revocation fine of \$1,000. (Pen. Code, 1202.45). Upon issuance of the remittitur, the clerk of the superior court is directed to prepare a corrected abstract of judgment as set forth in this opinion and to forward it to the Department of Corrections. The judgment is affirmed in all other respects.

Curry, J.

We concur: Epstein, Acting P.J.
Dau, J. (Assigned)

B131184 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Miguel O.

The order terminating father's parental rights is reversed and the cause remanded for a contested permanency planning hearing.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B129048 Katz (Not for Publication)
v.
Ross

The orders of the trial court are affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FOUR (Continued)

B128876 People (Not for Publication)
v.
Strassburg

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

DIVISION FIVE

B125337 People (Not for Publication)
v.
Claude Ross

The case is remanded for the sole purpose of resentencing as to the prior prison term enhancement in compliance with the views expressed in this opinion. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Grignon, J.
Godoy Perez, J.

B128667 People (Not for Publication)
v.
Gregory Taylor

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

February 7, 2000-Continued

DIVISION FIVE (Continued)

B130486 People (Not for Publication)
B135090 v.
David Fuggins

The judgment is affirmed. Petition for writ of habeas corpus denied.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B131407 People (Not for Publication)
v.
David M.

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

B134448 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Soon Hyun K.
In Re Kevin P.

The orders are affirmed.

Grignon, J.

We concur: Turner, P.J.
 Godoy Perez, J.

DIVISION FIVE (Continued)

B133586 People (Not for Publication)
v.
Nick Betancure

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Godoy Perez, J.

B127936 People (Not for Publication)
v.
Raul Martinez

The judgment is modified to reflect a single prior prison term within the meaning of Penal Code section 667.5, subdivision (b). The matter is remanded to the trial court to impose or strike (providing its reasons therefore) the Penal Code section 667.5, subdivision (b) enhancement pursuant to Penal Code section 1385. In all other respects, the judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Godoy Perez, J.

B131048 Rose M. Houston (Not for Publication)
v.
Los Angeles County Employees Retirement Association

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Godoy Perez, J.

DIVISION FIVE (Continued)

B125060 Mia Yutsu Chen (Not for Publication)
 v.
 Kuan Jung Lin

The order setting child support is reversed and the matter is remanded to the trial court for further proceedings consistent with this opinion. Wife to recover costs on appeal.

Armstrong, J.

We concur: Grignon, Acting P.J.
 Godoy Perez, J.

B128401 Consuelo Enriquez (Not for Publication)
 v.
 Firestone Medical Group et al.

The judgment is affirmed. Respondents to recover costs on appeal.

Armstrong, J.

We concur: Grignon, Acting P.J.
 Godoy Perez, J.

B134808 People (Not for Publication)
 v.
 Pres Lovely

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
 Godoy Perez, J.

February 7, 2000-Continued

DIVISION FIVE (Continued)

B132979 People (Not for Publication)

V.

Leroy Levett

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION SIX

B126426 Shipman (Certified for Publication)

V.

Boething Treeland Farms, Inc., et al.

Martinez

The judgment is affirmed. Costs are awarded to respondents.

Gilbert, P.J.

We concur: Coffee, J.
Abbe, J. (Assigned)

B130436 People (Not for Publication)

V.

Croft

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

February 7, 2000-Continued

DIVISION SIX (Continued)

B131566 People (Not for Publication)
v.
Norman

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

B132641 Ventura Co. Behavioral Health Dept. (Not for Publication)
v.
Smith

We dismiss the appeal as moot.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

B129403	Coalition to Save General Hospital et al. v. County of San Luis Obispo	(Not for Publication)
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The judgment is affirmed. Costs to respondent

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

February 7, 2000-Continued

DIVISION SIX (Continued)

[illegible]

The judgment is modified to include a \$200 fine under section 1202.45, to be stayed pending appellant's successful completion of parole. The superior court is directed to modify the abstract of judgment to reflect both this fine and the \$200 restitution fine previously imposed under section 1202.4. As so modified, the judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

B132060 People (Certified for Partial Publication)
v.
Beuer

The judgment is affirmed. On remand the trial court shall amend the abstract of judgment to include penalty assessments on the fines imposed, other than restitution fines.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

DIVISION SEVEN

B128164 People (Not for Publication)
v.
Briaingagkul

The judgment is affirmed.

Neal, J.

We concur: Johnson, Acting P.J.
Woods, J.

DIVISION SEVEN (Continued)

B126626 People (Not for Publication)
v.
Ubillus

The clerk of the Superior Court is ordered to prepare a corrected abstract of judgment that reflects the \$10,000 restitution fine is imposed pursuant to section 1202.4, subdivision (b) and to forward it to the Department of Corrections. As modified, the judgment is affirmed.

Woods, J.

I concur: Lillie, P.J.
I dissent: Johnson, J. (Opinion)

B125562 People (Not for Publication)
v.
Ignacio et al.

Appellant Ortiz's conviction of dissuading a witness by force or threat is reversed, unless the People accept a reduction of the conviction to a misdemeanor (Pen. code, § 136.1, subd. (a)(2). If after the remittitur is filed in the trial court, the People do not bring Ortiz to retrial on the witness dissuasion charge within the time limit set forth in Penal Code section 1382, subdivision (a)(2), the trial court shall proceed as if the remittitur constituted a modification of the judgment to reflect a misdemeanor conviction on this charge, and shall resentence Ortiz accordingly. In all other respects, the judgments are affirmed.

Neal, J.

We concur: Lillie, P.J.
Johnson, J.

DIVISION SEVEN (Continued)

B116002 People (Not for Publication)
v.
Medina et al.

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
 Johnson, J.

B125852 Wiener (Not for Publication)
v.
Wiener

The judgment is affirmed, except for paragraph 11, concerning the value of the Ford F350 truck, and the portion of paragraph 25 terminating jurisdiction to award spousal support. These determinations are reversed, and the case remanded for trial as to these items only. Appellant shall recover his costs on appeal.

Neal, J.

We concur: Johnson, Acting P.J.
Woods, J.

B136612 William B. (Not for Publication)
v.
Superior Court, Los Angeles County
(D.C.F.S., r.p.i.)

The petition is denied on the merits.

Neal, J.

We concur: Lillie, P.J.
Woods, J.

DIVISION SEVEN (Continued)

B132388 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Joseph S.

Welfare and Institutions Code section 366.23 requires that a parent receive notice "{w}henever a juvenile court schedules a hearing pursuant to {Welfare and Institutions Code} Section 366.26" (*In re Julian L.* (1998) 67 Cal.App.4th 204, 208.) Respondent Department of Children and Family Services concedes that appellant was not provided required notice of the section 366.26 hearing held in this matter on April 26, 1999. Accordingly, the order of the juvenile court terminating parental rights is reversed, and this matter is remanded for a new section 366.26 hearing. We express no opinion on the other issues raised in appellant's brief.

Neal, J.

We concur: Lillie, P.J.
 Johnson, J.

B132181 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Jacqueline S.

The orders appealed from are affirmed.

Neal, J.

We concur: Johnson, Acting P.J.
 Woods, J.